

the contents; and (80 dozen 1½-ounce cans), Section 403 (d), the container of the article was so filled as to be misleading since the contents occupied only approximately 50 percent of the volume of the can.

DISPOSITION: June 6, August 6, and September 6, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions.

11185. Adulteration and misbranding of grated cheese. U. S. v. 70 Cases, etc. (and 3 other seizure actions). (F. D. C. Nos. 19966, 20038, 20245, 20521. Sample Nos. 1737-H, 1761-H, 53015-H, 65216-H.)

LIBELS FILED: Between the dates of May 28 and July 15, 1946, Northern District of Georgia, Northern District of Ohio, and District of New Jersey.

ALLEGED SHIPMENT: Between the approximate dates of February 8 and June 12, 1946, by Louis Travaglini, from Philadelphia, Pa.

PRODUCT: Grated cheese. 70 cases each containing 24 5-ounce, or 2-ounce jars, and 40 cases each containing 24 5-ounce jars at Atlanta, Ga.; 30 cases each containing 24 5-ounce jars at Cleveland, Ohio; and 32 cases each containing 24 2-ounce bottles at Camden, N. J. Examination showed that 3 lots of the article contained approximately 18 or 19 percent lactose, indicating the presence of a milk product other than cheese. In all 4 lots the article was found to be short weight.

LABEL, IN PART: "Rossi's Brand Grated Cheese Contents 5 [or "2"] Ozs. or Over Packed by Rossi Packing Co. Philadelphia, Pa.," or "Maria Brand Grated Grated from Aged Cheddar and Italian Type Cheese with Salt, Skim Milk Solids, Spices and Flavoring Added Net Wt. When Packed 5 Ozs. Packed by Mrs. Casa Foods Phila. Pa."

NATURE OF CHARGE: Adulteration (3 lots), Section 402 (b) (2), a substance high in lactose had been substituted in whole or in part for grated cheese, which the article was represented to be.

Misbranding (3 lots), Section 403 (a), the designation "Grated Cheese" was false and misleading; (all lots) Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of the contents; and (1 lot), Section 403 (f), the common or usual names of the ingredients of the article were not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, and devices on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use since the information was printed in very small type.

DISPOSITION: On July 8 and September 3 and 25, 1946, no claimant having appeared for the 70-case lot at Atlanta and the lots at Cleveland and Camden, judgments of condemnation were entered. The Cleveland and Atlanta lots were ordered destroyed and the Camden lot was ordered delivered to a charitable organization.

On October 3, 1946, Louis Travaglini, claimant for the 40-case lot at Atlanta, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

11186. Adulteration and misbranding of grated cheese. U. S. v. 160 Cards * * * (F. D. C. No. 20253. Sample No. 8489-H.)

LIBEL FILED: June 12, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 7, 1946, by Universal Wholesale Grocery, Inc., from New Britain, Conn. This was a return shipment to the original shipper, the Rialto Food Products Co., Philadelphia, Pa.

PRODUCT: 160 cards, each containing 12 ¾-ounce envelopes, of grated cheese at Philadelphia, Pa. Examination showed that the product contained approximately 19 percent lactose, indicating the presence of a milk product other than cheese.

LABEL, IN PART: (Cards) "Cheese"; (envelopes) "Italian Style Grated Cheese Made from Imported and Domestic Cheese with partially skimmed cheese added."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance high in lactose had been substituted in whole or in part for Italian Style Grated Cheese.

Misbranding, Section 403 (a), the label designations "Cheese" and "Italian Style Grated Cheese" were false and misleading as applied to an article containing a milk product other than cheese; and, Section 403 (i) (2), the label of the article failed to bear the common or usual name of each of the ingredients.

DISPOSITION: September 26, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS DAIRY PRODUCTS

11187. Adulteration of ice cream. U. S. v. Creameries of America, Inc. (Arden-Sunfreze Creameries). Plea of nolo contendere. Fine, \$100. (F. D. C. No. 20166. Sample Nos. 25457-H, 25458-H.)

INFORMATION FILED: August 30, 1946, District of Utah, against Creameries of America, Inc., trading as Arden-Sunfreze Creameries, Ogden, Utah.

ALLEGED SHIPMENT: On or about August 11, 1945, from the State of Utah into the State of Wyoming.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect parts, threads, carbon, a feather barbule, a fly, and plant fiber; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 9, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100.

11188. Adulteration of condensed milk. U. S. v. 2 Barrels * * *. (F. D. C. No. 19819. Sample No. 51070-H.)

LABEL FILED: May 3, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about February 11, 1946, by the Momence Milk Co-operative Assoc., from Momence, Ill.

PRODUCT: 2 640-pound barrels of condensed milk at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: July 3, 1946. No claimant having appeared, judgment was entered ordering the product denatured for use as animal feed, under the supervision of the Food and Drug Administration; otherwise, the product was to be destroyed.

11189. Adulteration and misbranding of evaporated milk. U. S. v. Fort Dodge Creamery Co. Plea of guilty. Fine, \$100 and costs. (F. D. C. No. 20938. Sample Nos. 19437-H, 50905-H.)

INFORMATION FILED: October 24, 1946, Northern District of Iowa, against the Fort Dodge Creamery Co., Fort Dodge, Iowa.

ALLEGED SHIPMENT: On or about August 4 and December 15, 1945, from the State of Iowa into the State of Minnesota.

LABEL, IN PART: "Jack Sprat Brand Evaporated Milk * * * Distributed By Jack Sprat Foods, Inc. Marshalltown, Iowa."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted from the article. The article was represented to contain in each can not less than 325 U. S. P. units of vitamin D and in each fluid ounce not less than 25 U. S. P. units of vitamin D, whereas the article contained smaller amounts of vitamin D than represented.

Misbranding, Section 403 (a), the label statements "Contains not less than 325 U. S. P. Vitamin D Units" and "(25 Units per fld. oz.)" were false and misleading.

DISPOSITION: November 12, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100, plus costs.

11190. Misbranding of condensed buttermilk. U. S. v. 19 Barrels, etc. (F. D. C. No. 19816. Sample Nos. 34931-H, 34932-H.)

LABEL FILED: May 2, 1946, Southern District of Illinois.

ALLEGED SHIPMENT: On or about August 11 and October 26, 1945, and February 22, 1946, by the Merchants Creamery Co., from Cincinnati, Ohio, and Springfield, Mo.